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Sept. 16, 1975

Dr. Fred Ikle
Director
ACDA
Washington, D.C.

Dear Dr. Ikle

This note concerns the current news stories that assert that the retention of samples of animal toxins by the CIA was unlawful, in violation of Pres. Nixon's orders, and by implication in violation of the treaty on bacteriological warfare.

I do not wish my remarks to be interpreted as a defense of the CIA's actions or intentions in handling this material, which would require more information than has been made publicly available. And I realize the difficulties occasioned by that context. However, I believe that ACDA might be the principal source of advice on the interpretation of the treaty, and I suggest that it would be harmful to let these allegations go unchallenged.

According to press reports, the "CIA has admitted" that these actions were unlawful, and if this is not clarified we may face a de-facto unilateral disarmament and, further, a unilateral abrogation of the legality of defensive and preventive research that certainly should not be undertaken without a more careful examination of its implications.

The issues are whether shellfish toxins and similar materials are 'toxins' within the meaning of the BW convention, *which I would dispute (having had some familiarity with its legislative history); and whether possession of the indicated quantities would even so constitute a violation of the treaty -- though here one would also have to distinguish between materials for laboratory study on the one hand, and darts, weapons etc. on the other.

My purpose in this letter is not to offer gratuitous policy advice (on this occasion) but to point out some technical issues that need to be handled with more precision than is currently evident.

Sincerely,

*they are not microbial toxins

not sent